

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:12-CV-223

vs.

\$100,000 IN UNITED STATES  
CURRENCY,

ORDER

Defendant.

This matter is before the Court on the Findings and Recommendation of the United States Magistrate Judge (filing 32) recommending that all claims brought by claimant Melanie Sia Vang should be dismissed based on the claimant's failure to answer or otherwise respond to the complaint, and the claimant's failure to respond to the Magistrate Judge's order to do so. No objection to the findings and recommendation has been filed.

28 U.S.C. § 636(b)(1) provides for de novo review only when a party objected to the Magistrate Judge's findings or recommendations. *Perez v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. NECrimR 59.2(e). The Magistrate Judge's findings and recommendation advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See filing 32. And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); see also *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

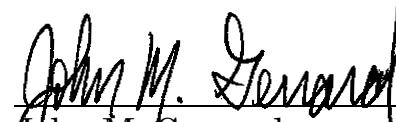
IT IS ORDERED:

1. The Findings and Recommendation of the United States Magistrate Judge (filing 32) are adopted.

2. All claims brought by claimant Melanie Sia Vang are dismissed.

Dated this 12th day of March, 2013.

BY THE COURT:



John M. Gerrard  
United States District Judge